

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David Edwards, et al.

Application No.: 10/771,447

Group Art Unit: 3743

Filed: February 5, 2004

Examiner: M. B. Patel

For: **INHALATION DEVICE AND METHOD**

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO/SB/08a/b are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO/SB/08a/b based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings

purportedly offered.

10/04/2004 SSITHIB1 0000095 10771447

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DC: 1580851-1

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
- 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - c. Attached is our Check No. 001564 including the amount of \$ 180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(i).

a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. Relevance of the non-English language document(s) is discussed in the present specification.

5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.

6. A concise explanation of the relevance of the non-English language document(s) appears below:

7. The Examiner's attention is directed to co-pending U.S. Patent Application Nos. 09/835,302, filed April 16, 2001 and 10/268,059, filed October 10, 2002, which is directed to related technical subject matter. The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to that application now or upon issuance of these present applications as a

patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

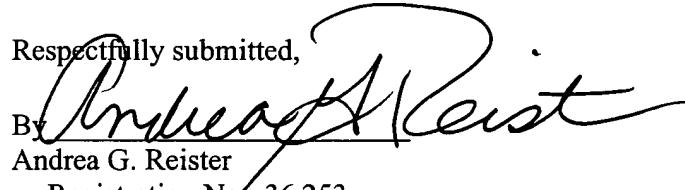
□ 8. Copies of the documents were cited by or submitted to the Office in Application No. 09/835,302, filed April 16, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08a/b, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0740, referencing Docket No. 000166.0109-US04.

Dated: October 1, 2004

Respectfully submitted,

By 
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Substitute for form 1449A/B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	1	Attorney Docket Number	000166.0109-US04
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Complete if Known

Application Number	10/771,447-Conf. #3817
Filing Date	February 5, 2004
First Named Inventor	David Edwards
Art Unit	3743
Examiner Name	M. B. Patel

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
AA	US-4,841,964-B1	06/1989	Hurka et al.		
AB	US-4,846,168	07/1989	Abiko et al.		
AC	US-5,042,472-B1	08/1991	Bunin		
AD	US-5,239,991-B1	08/1993	Chawla et al.		
AE	US-5,437,271-B1	08/1995	Hodson et al.		
AF	US-5,507,281-B1	04/1996	Kuhnel et al.		
AG	US-5,533,505-B1	07/1996	Kallstrand et al.		
AH	US-5,575,280-B1	11/1996	Gupte et al.		
AI	US-5,617,845-B1	04/1997	Poss et al.		
AJ	US-5,660,169-B1	08/1997	Kallstrand et al.		
AK	US-5,699,789-B1	12/1997	Hendricks, Mark R.		
AL	US-5,787,881-B1	08/1998	Chawla		
AM	US-5,829,434	11/1998	Ambrosio et al.		
AN	US-5,918,594-B1	07/1999	Asking et al.		
AO	US-6,065,472-B1	05/2000	Anderson et al.		
AP	US-6,098,619	08/2000	Britto et al.		
AQ	US-6,105,574-B1	08/2000	Jahnsson, Magnus		
AR	US-6,119,853-B1	09/2000	Garrill et al.		
AS	US-6,187,269-B1	02/2001	Lancesseur et al.		
AT	US-6,237,590-B1	05/2001	Leedom et al.		
AU	US-6,273,085-B1	08/2001	Eisele et al.		
AV	US-6,286,507-B1	09/2001	Jahnsson, Magnus		
AW	US-6,332,461	12/2001	Hyppola, Jukka		
AX	US-6,390,291	05/2002	Garrill et al.		

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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